

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
WDNC Civil Action No. 3:25-cv-21

F.C. GENCO,

Plaintiff,

v.

LAKE NORMAN CHARTER SCHOOL, INC;
BOARD OF DIRECTORS OF LAKE
NORMAN CHARTER SCHOOL, INC.;
SHANNON STEIN, Superintendent, Former
Managing Director, and Former Board
Member; MICHAEL McALPIN, Former
Middle School Assistant Principal; GREG
KILPATRICK, Board Chairperson; CRAIG
RANDALL, Board Vice Chairperson; GRAY
MORRIS, Treasurer and Board Member;
AMY CARR, Secretary and Board Member;
NICOLE BENFORD, Board Member;
RIDGELY CHAPMAN, Board Member;
MICHAEL EASTWOOD, Board Member;
DERIK SCREEN, Board Member; JARED
TILLEY, Board Member; STEVE JONES,
Former Board Chairperson; RICKY JONES,
Former Board Vice Chairperson; ANNA
BLACKWELDER, Former Board Member;
SHERRY LATTEN, Former Board Member;
JENNIFER JOHNSON, Former Board
Member; KYLE BURKEY, Former Secretary
and Board Member; THOMAS MCELROY,
Former Board Member; and STEPHANIE
PAINTER, Former Board Member, ALL OF
THE INDIVIDUALLY-NAMED
DEFENDANTS ABOVE ARE BEING SUED
IN THEIR INDIVIDUAL CAPACITIES.

Defendants.

**NOTICE OF REMOVAL TO FEDERAL
COURT**

NOW COME Defendants LAKE NORMAN CHARTER SCHOOL, INC; BOARD OF DIRECTORS OF LAKE NORMAN CHARTER SCHOOL, INC.; SHANNON STEIN, Superintendent, Former Managing Director, and Former Board Member; MICHAEL McALPIN, Former Middle School Assistant Principal; GREG KILPATRICK, Board Chairperson; CRAIG RANDALL, Board Vice Chairperson; GRAY MORRIS, Treasurer and Board Member; AMY CARR, Secretary and Board Member; NICOLE BENFORD, Board Member; RIDGELY CHAPMAN, Board Member; MICHAEL EASTWOOD, Board Member; DERIK SCREEN, Board Member; JARED TILLEY, Board Member; STEVE JONES, Former Board Chairperson; RICKY JONES, Former Board Vice Chairperson; ANNA BLACKWELDER, Former Board Member; SHERRY LATTEN, Former Board Member; JENNIFER JOHNSON, Former Board Member; KYLE BURKEY, Former Secretary and Board Member; THOMAS MCELROY, Former Board Member; and STEPHANIE PAINTER, Former Board Member, all in both their individual and official capacities (collectively “Defendants”), by and through the undersigned counsel, without waiving any Rule 12 defenses under the Federal Rules of Civil Procedure, as to personal or subject matter jurisdiction or service or service of process, and respectfully remove the above-entitled action from the Superior Court Division of Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina (Charlotte Division), pursuant to 28 U.S.C. § 1331, § 1441(a), and § 1446(b) based upon federal question jurisdiction.

In support of this Notice of Removal, Defendants state as follows:

1. On December 2, 2024, Plaintiff filed a lawsuit by way of a Complaint and Summons against Defendants in the Superior Court Division of Mecklenburg County, North

Carolina (24 CV056090-590). A copy of the original Complaint and the original Summons are collectively attached hereto as **Exhibit A**.

2. All Defendants were effectively served on January 3, 2025.

3. Defendants' time to answer or otherwise move with respect to the Complaint has not expired.

4. This Notice of Removal is being filed within thirty (30) days after initial notice or receipt of any Defendant of the initial pleadings setting forth the claim for relief upon which the Plaintiff's action is based and is timely filed under 28 U.S.C. 1446(b).

5. This action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, which vests the United States District Courts with jurisdiction "of all civil actions arising under the Constitution, laws or treaties of the United States" and is one which may be removed to this Court by and pursuant to the provisions of 28 U.S.C. § 1441(a), because it raises a federal question, and § 1441(c) for supplemental state law claims.

6. Plaintiff's Complaint specifically alleges the following claims, which are the basis for federal question jurisdiction:

a. Disability discrimination and retaliation under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131, et seq. *See* Complaint ¶¶ 184-196.

b. Disability discrimination and retaliation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. *See* Complaint ¶¶ 197-205.

c. Discrimination and Retaliation under the Education Amendments Act of 1972, §§ 1681-1688 ("Title IX"). *See* Complaint ¶¶ 206-226.

d. Equal Protection, deliberate indifference, and supervisory liability claims under 42 U.S. C. § 1983. *See* Complaint ¶¶ 227-236.

7. Plaintiff's Complaint specifically alleges the following state law claims, which are covered by the jurisdiction of this Court under its exercise of supplemental jurisdiction:

- a. Negligence Claim for Failure to Protect. *See* Complaint ¶¶ 119-131.
- b. Negligence Claim for Failure to Investigate and Appropriately Respond to Complaints. *See* Complaint ¶¶ 132-146;
- c. Negligence Claim for Negligent Failure to Assist Plaintiff after the Assault and Retaliatory Conduct after the Assault. *See* Complaint ¶¶ 147-154.
- d. Negligent Hiring, Training, Supervision, and Retention. *See* Complaint ¶¶ 155-166.
- e. Willful and Wanton Conduct. *See* Complaint ¶¶ 167-177.
- f. Intentional Infliction of Emotional Distress. *See* Complaint ¶¶ 178-183.

8. The documents attached hereto and, upon information and belief, constitute copies of all of the pleadings issued or contained in the State Court file (Mecklenburg County 24 V056090-590) to date.

9. A copy of this Notice of Removal has been sent to the office of Clerk of Superior Court of Mecklenburg County, North Carolina, for filing, as shown by the Notice attached hereto as **Exhibit B.**

WHEREFORE, Defendants hereby give notice that this action has been removed from the Superior Court of Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina (Charlotte Division).

This is the 10th day of January, 2025.

CRANFILL SUMNER LLP

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CHARLOTTE DIVISION
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Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 10, 2025, the foregoing *Notice of Removal to Federal Court* was filed electronically with the Clerk of the United States District Court for the Western District of North Carolina using the CM/ECF system which will send notification of this filing and an electronic copy of the same to all counsel of record registered with the CM/ECF system.

This is the 10th day of January 2025.

CRANFILL SUMNER LLP

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